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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,145	11/25/2003	Thomas Frederick Kauffman	A01466	6321

7590 03/09/2006

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EXAMINER
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BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,145

Applicant(s)

KAUFFMAN ET AL.

Examiner

Susan W. Berman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Response to Amendment***

The rejection of claims under 35 U.S.C. 102(b) as being anticipated by Rowe (4,305,854) is withdrawn because Rowe disclose urethane (meth)acrylates while the instant claims now recite polyurethanes. Applicant discloses non-reactive liquid polyurethanes as elastomeric component.

***Response to Arguments***

Applicant argues that Lewandowski et al teach UV radiation in the presence of a photoinitiator rather than electron beam irradiation in the absence of a photoinitiator. This argument is not persuasive with respect to the instant claims language. It is known in the art that electron beam radiation can be used in the presence of a photoinitiator. Furthermore, the phrase “substantially free of photoinitiator” does not exclude the presence of photoinitiator in the instantly claimed process or composition.

Applicant argues that a pressure sensitive adhesive is not equivalent to a cold seal adhesive because of different performance characteristics. Applicant discloses that a cold seal adhesive is a material that has good cohesion at ambient temperatures, good primary adhesion to substrates and good non-blocking character. Pressure sensitive adhesives are also known to have good cohesion and adhesion to substrates. Applicant argues that a cold seal adhesive placed in contact with a release coated film and placed under pressure and heat will not form a permanent bond, while PSA's are designed to maintain adherence under the same conditions.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewandowski et al (5,747,551) disclose UV curable pressure sensitive adhesive compositions comprising from 0.1 to about 15% of a photoinitiator. The compositions comprise from 10-80 % acrylated urethane, 0-70% acrylate monomer, 0.1-25% acrylated polybutadiene and from 0 to 50% tackifier. With respect to claims 4, 5 and 8, compositions comprising amounts of photoinitiator about 0.1 % are considered to meet the claim requirement "substantially free of photoinitiator". With respect to claims 2, 6 and 10, the disclosed compositions would be expected to provide an adhesive having the required Tg since the components of the compositions disclosed and set forth in the instant claims correspond to one another.

Claims 1, 2, 4-6, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Shi et al (6,921,454) Shi et al disclose elastomer toughened radiation curable adhesives. Liquid rubbers can be employed as the elastomer (column 4, lines 23-28). Weight percents elastomer is from about 3 to about 50 percent by weight (column 4, lines 40-47). A cationic photoinitiator in amounts from 0.01 to 20% by weight and curing by UV or electron beam irradiation is taught (column 5, lines 19-33). With respect to claims 4, 5 and 8, compositions comprising small amounts of photoinitiator, such as about 0.01 %, are considered to meet the claim requirement "substantially free of photoinitiator". With respect to claims 2, 6 and 10, the disclosed compositions would be expected to provide an adhesive having the required Tg since the components of the compositions disclosed and set forth in the instant claims correspond to one another.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Honda et al (4,317,862) disclose a photosensitive resin comprising a liquid elastomer, acrylate monomer and 1 part by weight photoinitiator. Honda et al teach UV radiation curing to seal glass sheets.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

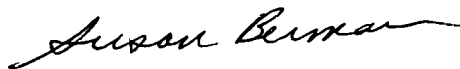
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB  
3/6/06

  
Susan W Berman  
Primary Examiner  
Art Unit 1711